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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 LNS Enterprises LLC, et al.,

10 Plaintiffs,

11 v.

12 Continental Motors Incorporated, et al.,

13 Defendants.  
14

No. CV-19-05221-PHX-SMB

**ORDER**

15 Pending before the Court are four motions to dismiss for lack of personal  
16 jurisdiction under Federal Rule of Civil Procedure 12(b)(2). (Docs. 10, 15, 19, 51.) The  
17 movants are Defendants Continental Motors Inc., Leading Edge Aviation Inc., Kelly  
18 Aerospace Thermal Systems LLC, and Textron Aviation Inc.<sup>1</sup> Plaintiffs Peter and Lynn  
19 Spanganberg, LNS Enterprises LLC, and Sonoma Oral and Facial Surgery PLLC  
20 responded, (Docs. 29, 34, 44, 55), and Defendants replied, (Docs. 38, 42, 54, 57). Oral  
21 argument was held on May 20, 2020. (Doc. 80.) Having considered oral argument, the  
22 pleadings, and relevant case law, the Court will grant the motions and dismiss these  
23 Defendants.

24 **I. BACKGROUND**

25 On July 31, 2017, a Columbia 400 N8725 aircraft carrying Peter Spanganberg and  
26 two others was forced to make an emergency landing in a field near Chandler, Arizona

27 <sup>1</sup> The other, non-moving defendants are Aviation Industry Corporation of China, Columbia  
28 Aircraft Manufacture Corporation, Cessna Aircraft Company, Chandler Aviation Services  
Inc., Skylancer Aviation Services Inc., Lone Mountain Aviation Inc., and Falcon Executive  
Aviation Inc. For purposes here, the movants are referred to as “Defendants.”

1 after the engine failed midflight. (Compl.<sup>2</sup> ¶¶ 7, 65, 88-90.) The National Transportation  
 2 Safety Board's ("NTSB") post-incident inspection report indicates that the aircraft's  
 3 underside was covered in oil and the engine had a hole in it, consistent with decreased oil  
 4 and manifold pressure that would cause in-flight engine failure. (*Id.* ¶ 91.) Because  
 5 Spanganberg had to make an emergency landing, the aircraft suffered significant structural  
 6 damage and total engine loss. (*Id.* ¶ 92.)

7 About a year before the emergency landing, Spanganberg bought the 2006 aircraft,  
 8 equipped with a Continental Motors TSIO-550-C engine, from an unidentified individual  
 9 to fly within Arizona for work. (*Id.* ¶¶ 65, 71.) The aircraft was serviced in Oregon by  
 10 Leading Edge Aviation Inc. ("LEA"), an Oregon corporation with its principal place of  
 11 business in Oregon, at some point before the incident,<sup>3</sup> (*id.* ¶¶ 55-56, 83; Doc. 15-1 at 1),  
 12 and allegedly manufactured, designed, and distributed by Cessna Aircraft Company  
 13 ("Cessna") and its parent company, Textron Aviation Inc. ("Textron"),<sup>4</sup> both Kansas  
 14 corporations with their principal places of business in Kansas, (Compl. ¶¶ 35-38). The  
 15 aircraft's engine was designed, manufactured, and distributed by Continental Motors Inc.  
 16 ("CMI"), a Delaware corporation with its principal place of business in Alabama, (*id.* ¶¶  
 17 9-12, 71-74), while Kelly Aerospace Thermal Systems LLC ("KATS"), a Delaware  
 18 corporation with its principal place of business in Ohio, designed, manufactured, and  
 19 distributed the aircraft's deicer system, (*id.* ¶¶ 26-28, 68-69). Unlike Plaintiffs Peter and  
 20 Lynn Spanganberg, LNS Enterprises LLC, and Sonoma Oral and Facial Surgery PLLC,  
 21 which are each located in Arizona, none of these entities are incorporated, operated, or  
 22 headquartered here. (*Id.* ¶¶ 6-9, 26, 35-36, 55.)

23 Two years following the incident, Plaintiffs sued these Defendants and others in

24  
 25 <sup>2</sup> Plaintiffs' complaint is attached to the Notice of Removal. (*See* Doc. 1-3 at 12-32.)

26 <sup>3</sup> Other defendant entities, ones uninvolved in these motions, also serviced the aircraft  
 27 sometime before the incident. (*See id.* ¶¶ 78-82, 84-86.)

28 <sup>4</sup> The complaint alleges that Textron "is a parent company or holding company for Cessna  
 Aircraft Company and/or owns and or does business as Cessna." (Compl. ¶ 36.) Textron  
 relatedly argues that "Cessna is not properly named as a separate defendant" because "[it]  
 was merged into [Textron] and ceased to exist as a separate corporate entity." (Doc. 19 at  
 2 n.1.) Because Plaintiffs do not contest this assertion, the Court refers to both entities as  
 Textron and treats its motion to dismiss as one concerning both parties.

1 Maricopa County Superior Court before it was removed to this Court on September 19,  
 2 2019. (Doc. 1.) Plaintiffs' complaint alleges claims of negligence, negligence per se, strict  
 3 products liability, and breach of warranty against the various fifteen original Defendants.  
 4 (Compl. ¶¶ 96-156.) Four of the remaining Defendants now move to dismiss the complaint,  
 5 which alleges that "[t]his Court has jurisdiction . . . over [them]," (*id.* ¶ 1), for lack of  
 6 personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2).

## 7 **II. LEGAL STANDARD**

8 Before trial, a defendant may move to dismiss the complaint for lack of personal  
 9 jurisdiction. *Data Disc, Inc. v. Sys. Tech. Assocs., Inc.*, 557 F.2d 1280, 1285 (9th Cir.  
 10 1977); Fed. R. Civ. P. 12(b)(2). Plaintiff bears the burden of establishing personal  
 11 jurisdiction, *Ziegler v. Indian River Cty.*, 64 F.3d 470, 473 (9th Cir. 1995), and "need only  
 12 make a prima facie showing of jurisdictional facts" "in the absence of an evidentiary  
 13 hearing," *Sher v. Johnson*, 911 F.2d 1357, 1361 (9th Cir. 1990) (citation omitted). In  
 14 determining whether a plaintiff has established a prima facie case for personal jurisdiction  
 15 over a defendant, the complaint's uncontroverted allegations are accepted as true and  
 16 "conflicts between the facts contained in the parties' affidavits must be resolved in  
 17 [plaintiff's] favor." *Am. Tel. & Tel. Co. v. Compagnie Bruxelles Lambert*, 94 F.3d 586, 588  
 18 (9th Cir. 1996).

19 "When no federal statute governs personal jurisdiction, the district court applies the  
 20 law of the forum state." *Freestream Aircraft (Bermuda) Ltd. v. Aero Law Grp.*, 905 F.3d  
 21 597, 602 (9th Cir. 2018). Arizona exerts personal jurisdiction to the "maximum extent  
 22 permitted by the Arizona Constitution and the United States Constitution." Ariz. R. Civ. P.  
 23 4.2(a); *see, e.g., A. Uberti and C. v. Leonardo*, 892 P.2d 1354, 1358 (Ariz. 1995). Thus,  
 24 analyzing personal jurisdiction under Arizona law and federal due process are identical.  
 25 *Schwarzenegger v. Fred Martin Motor Co.*, 374 F.3d 797, 800–01 (9th Cir. 2004).

26 To comport with due process, "[a]lthough a nonresident's physical presence within  
 27 the territorial jurisdiction of the court is not required, the nonresident generally must have  
 28 certain minimum contacts . . . such that the maintenance of the suit does not offend

1 traditional notions of fair play and substantial justice.” *Walden v. Fiore*, 571 U.S. 277, 283  
2 (2014) (internal quotation marks and citations omitted). This requirement ensures “that a  
3 defendant be haled into court in a forum State based on his own affiliation with the State,  
4 not based on the ‘random, fortuitous, or attenuated’ contacts he makes by interacting with  
5 other persons affiliated with the State.” *Id.* at 286 (quoting *Burger King Corp. v. Rudzewicz*,  
6 471 U.S. 462, 475 (1985)). “Depending on the strength of those contacts, there are two  
7 forms that personal jurisdiction may take: general and specific.” *Picot v. Weston*, 780 F.3d  
8 1206, 1211 (9th Cir. 2015) (citation omitted); *Cybersell, Inc. v. Cybersell, Inc.*, 130 F.3d  
9 414, 416 (9th Cir. 1997). General jurisdiction exists when the defendant has “continuous  
10 and systematic” contacts with the forum state, whereas specific jurisdiction exists when the  
11 controversy arises from or is related to the defendant’s contacts with the forum state. *See*  
12 *Helicopteros Nacionales de Colombia, S.A. v. Hall*, 466 U.S. 408, 416 (1984). The standard  
13 to establish general jurisdiction is an “exacting” one, as the defendant’s contacts must be  
14 so pervasive that they “approximate physical presence” in the forum state.  
15 *Schwarzenegger*, 374 F.3d at 801. “[O]nly in an ‘exceptional case’ will general jurisdiction  
16 be available anywhere” other than the “corporation’s place of incorporation and principal  
17 place of business.” *Martinez v. Aero Caribbean*, 764 F.3d 1062, 1070 (9th Cir. 2014)  
18 (citations omitted).

19 “When a plaintiff relies on specific jurisdiction, he must establish that jurisdiction  
20 is proper for ‘each claim asserted against a defendant.’” *Picot*, 780 F.3d at 1211 (quoting  
21 *Action Embroidery Corp. v. Atlantic Embroidery, Inc.*, 368 F.3d 1174, 1180 (9th Cir.  
22 2004)). “In order for a court to exercise specific jurisdiction over a claim, there must be an  
23 ‘affiliation between the forum and the underlying controversy, principally, [an] activity or  
24 an occurrence that takes place in the forum state.” *Bristol-Myers Squibb Co. v. Superior*  
25 *Court of Cal.*, 137 S.Ct. 1773, 1781 (2017) (quoting *Goodyear Dunlop Tires Operations,*  
26 *S.A. v. Brown*, 564 U.S. 915, 919 (2011)). Without such a connection, “specific jurisdiction  
27 is lacking regardless of the extent of a defendant’s unconnected activities in the State.”  
28 *Bristol-Myers Squibb*, 137 S.Ct. at 1781. “Only contacts occurring prior to the event

causing the litigation . . . may be considered by the Court.” *Ariz. Sch. Risk Retention Trust, Inc. v. NMTC, Inc.*, 169 F. Supp. 3d 931, 935 (D. Ariz. 2016) (citing *Farmers Ins. Exchange v. Portage La Prairie Mut. Ins. Co.*, 907 F.2d 911, 913 (9th Cir. 1990)).

In analyzing specific jurisdiction, courts use the three-prong minimum contacts test as a guide “to determine whether a defendant has sufficient contacts with the forum to warrant the court’s exercise of jurisdiction[.]” *Freestream*, 905 F.3d at 603. The test requires that:

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws;

(2) the claim must be one which arises out of or relates to the defendant’s forum-related activities; and

(3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e., it must be reasonable.

*Id.* (citation omitted); *see also Picot*, 780 F.3d at 1211. “The plaintiff has the burden of proving the first two prongs.” *Picot*, 780 F.3d at 1211 (citation omitted). “If the plaintiff succeeds in satisfying [them], the burden then shifts to the defendant to ‘present a compelling case’ that the exercise of jurisdiction would not be reasonable.” *Schwarzenegger*, 374 F.3d at 802 (quoting *Burger King*, 471 U.S. at 476–78). Absent a “compelling case” that exercising jurisdiction would be unreasonable, it is presumed reasonable. *Burger King*, 471 U.S. at 477. If a plaintiff fails to meet the first prong, the Court need not address the others. *Ariz. Sch. Risk Retention Trust*, 169 F. Supp. 3d at 936.

### III. DISCUSSION

#### A. Plaintiffs Fail to Establish a Prima Facie Case of General or Specific Personal Jurisdiction Over Any of the Moving Defendants.

Plaintiffs’ complaint alleges that the Court has personal jurisdiction over each Defendant. (Compl. ¶ 1 (“This Court has jurisdiction and venue over this action and over

Defendants.”) CMI, LEA, Textron, and KATS disagree, arguing dismissal is appropriate because the Court has neither general nor specific personal jurisdiction over them. Plaintiffs initially claimed in their responses to the motions to dismiss by LEA, Textron, and KATS that general, but not specific, personal jurisdiction exists over them. (Doc. 34 at 5-6; Doc. 44 at 5-7; Doc. 55 at 6-7.) However, Plaintiffs’ counsel conceded at oral argument that the Court lacks general jurisdiction over Defendants. (Doc. 80.) The Court agrees with this concession, especially considering that no Defendant is incorporated in or operates its principal place of business in Arizona. *See Daimler*, 571 U.S. at 127. Moreover, none is affiliated with Arizona in such a “continuous and systematic” way as to “render [it] essentially at home [here].” *Id.* (quoting *Goodyear*, 564 U.S. at 919). Notwithstanding that exercising general jurisdiction over these Defendants would be inappropriate, the Court also finds that its exercise of specific personal jurisdiction over Defendants would be similarly inappropriate. *See Bristol-Myers Squibb*, 137 S.Ct. at 1781.

#### **i. Purposeful Availment**

Under the first prong of the minimum contacts test, Plaintiffs must show each Defendant “either (1) ‘purposefully availed’ [itself] of the privilege of conducting activities in the forum, or (2) ‘purposefully directed’ [its] activities toward the forum.” *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1155 (9th Cir. 2006) (citing *Schwarzenegger*, 374 F.3d at 802). This prong presents two distinct standards, with each to be applied under different circumstances. *Schwarzenegger*, 374 F.3d at 802; *Ziegler*, 64 F.3d at 473 (“we apply different purposeful availment tests to contract and tort cases”). Because Plaintiffs bring claims of negligence, breach of contract, and products liability, the Court will apply the purposeful availment test. *See Holland Am. Line Inc. v. Wartsila N. Am., Inc.*, 485 F.3d 450, 460 (9th Cir. 2007) (using purposeful availment test to evaluate personal jurisdiction for negligence and breach of contract claims); *see generally J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 880 (2011) (applying purposeful availment to analyze personal jurisdiction for products liability claim).

The purposeful availment test advances the due process notion that “a defendant



1 will not be haled into a jurisdiction solely as a result of random, fortuitous, or attenuated  
 2 contacts, or of unilateral activity of another party or a third person.” *Burger King*, 471 U.S.  
 3 at 475 (internal quotation marks and citations omitted). “[It] is based on the presumption  
 4 that it is reasonable to require a defendant who conducts business and benefits from his  
 5 activities in a state to be subject to the burden of litigating in that state as well.” *Brainerd*  
 6 *v. Governors of the Univ. of Alberta*, 873 F.2d 1257, 1259 (9th Cir. 1989) (citing *Burger*  
 7 *King*, 471 U.S. at 476)). But simply placing “a product into the stream of commerce,  
 8 without more, is not an act purposefully directed toward a forum state.” *Holland*, 485 F.3d  
 9 at 459 (citing *Asahi Metal Indus. Co. v. Superior Court*, 480 U.S. 102, 112 (1987)). “Even  
 10 a defendant’s awareness that the stream of commerce may or will sweep the product into  
 11 the forum state does not convert the mere act of placing the product into the stream of  
 12 commerce into an act purposefully directed toward the forum state.” *Holland*, 485 F.3d at  
 13 459. Instead, only if “the sale of a product of a manufacturer or distributor . . . is not simply  
 14 an isolated occurrence, but arises from the efforts of the manufacturer or distributor to serve  
 15 directly or indirectly, the market for its product in other States, [would it be] []reasonable  
 16 to subject it to suit in one of those States if its allegedly defective merchandise has there  
 17 been the source of injury to its owner or to others.” *World-Wide Volkswagen Corp.*  
 18 *Woodson*, 444 U.S. 286, 297 (1980). But a defendant’s mere, uncalculated prediction that  
 19 its goods will reach the forum is insufficient; rather, personal jurisdiction will exist “only  
 20 where the defendant can be said to have targeted the forum.” *Nicastro*, 564 U.S. at 882.

21 Here, and as discussed below, Plaintiffs have not shown any Defendant is  
 22 meaningfully connected to Arizona in such a way that exercising personal jurisdiction  
 23 would be appropriate. As a result, this Court is “without power to adjudge the rights and  
 24 liabilities of [Defendants], and its exercise of jurisdiction would violate due process.” *Cf.*  
 25 *id.*, 564 U.S. at 887.

### 26 **1. Leading Edge Aviation Inc.**

27 Plaintiffs argue the Court has personal jurisdiction over LEA for their negligence  
 28 claim because “[it] purposefully offers aviation maintenance services to all of the western

1 United States and has done so for more than two decades.” (Doc. 34 at 6.) The only  
2 allegations in the complaint concerning these services is that “[LEA] was engaged in the  
3 business of servicing and maintaining aircraft, including the subject aircraft” and  
4 “performed maintenance and repair work on [it]” somewhere at some unknown time.  
5 (Compl. ¶¶ 56, 83.) Without any factual support showing LEA specifically offered these  
6 services in Arizona, they argue its website demonstrates that this Court’s exercise of  
7 personal jurisdiction over LEA is proper.<sup>5</sup> (Doc. 34 at 5-6.) This is not enough.

8 Blankly pointing to a company’s website ineptly shows personal jurisdiction exists.  
9 *See Holland*, 485 F.3d at 459 (“a mere web presence is insufficient to establish personal  
10 jurisdiction”); *see also, e.g., Cybersell*, 130 F.3d at 419 (“While there is no question that  
11 anyone, anywhere could access that home page and thereby learn about the services  
12 offered, we cannot see how from that fact alone it can be inferred that [defendant]  
13 deliberately directed its [conduct] toward Arizona residents.”). Moreover, nothing on the  
14 website evidences whether LEA actually offered these services in Arizona, let alone if they  
15 were performed on Plaintiffs’ aircraft. But even if the website *said* it provided its services  
16 here, that would likewise be insufficient without more. Afterall, such a finding would be  
17 akin to one permitting a defendant to decide for itself whether and where personal  
18 jurisdiction exists. Instead, there must be uncontroverted allegations or evidence  
19 demonstrating LEA’s purposeful availment in Arizona, which is missing here.

20 In absence of any such allegations or supporting evidence showing LEA provided  
21 its services in Arizona, let alone on Plaintiffs’ airplane while here, the Court cannot  
22 exercise personal jurisdiction over it consistent with due process. In fact, LEA has shown  
23 through evidence precisely why the Court lacks personal jurisdiction over it. In particular,  
24 its vice president declared under penalty of perjury that its only contacts with Arizona are  
25 that it “owns and operates four helicopters which are under lease to the United States  
26 Department of [the] Interior and U.S. Forest Service for fire fighting purposes” and  
27 installed avionics for another company in Arizona. (Doc. 15-1 at 1.) Beyond these contacts,

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28 <sup>5</sup> Plaintiffs direct the Court to peruse LEA’s website by simply listing website in a footnote.  
(*See id.* at 6 n.2.)



1 none of which relate to the claims brought in this case, LEA's vice president affirms that  
 2 the company has done no other work in Arizona, is unregistered to do business here, does  
 3 not target prospective customers in Arizona, and performed maintenance on Plaintiffs'  
 4 aircraft in Oregon, not Arizona. (Doc. 15-1 at 1.) Based on this uncontroverted evidence,  
 5 the Court finds that LEA lacks a meaningful connection to Arizona concerning Plaintiffs'  
 6 negligence claim and must be dismissed for lack of personal jurisdiction.

## 7 **2. Textron Aviation Inc.**

8 The basis for Plaintiffs' strict products liability, negligence, and breach of warranty  
 9 claims against Textron arises out of the company's design, manufacturing, and distribution  
 10 of their aircraft. (*See* Compl. ¶¶ 35-37.) In quoting miscellaneous statements on Textron's  
 11 website, Plaintiffs argue that the Court has personal jurisdiction over it, as the parent  
 12 company of Cessna, because it "sells Cessna aircraft into the stream of commerce knowing  
 13 that it may go anywhere in the world, including Arizona." (Doc. 44 at 6.) They further  
 14 argue that it "directly serves Arizona's aviation market through its aircraft sales and  
 15 distribution and through its robust aircraft service network." (*Id.*) The record is hollow with  
 16 anything supporting Plaintiffs' assertions, but they nonetheless argue the Court has  
 17 personal jurisdiction over Textron. (*Id.* at 5-7.) Because nothing in the record meaningfully  
 18 connects Textron's suit related activities to Arizona, or even Plaintiffs' aircraft, the Court  
 19 finds exercising personal jurisdiction over it inappropriate. *See Walden*, 571 U.S. at 284.

20 Besides Plaintiffs' unpersuasively attempt at establishing personal jurisdiction,  
 21 Textron has adequately shown this Court lacks personal jurisdiction over the company.  
 22 That is, its corporate governance manager and assistant secretary affirms that Plaintiffs'  
 23 aircraft was designed by Columbia Aircraft Manufacturing Corporation in 2000 and then  
 24 manufactured and sold by Columbia in 2006. (Doc. 19-1 at 3-5.) She further affirms that  
 25 Textron was uninvolved in manufacturing, designing, or selling Plaintiffs' aircraft or any  
 26 general aviation aircraft in Arizona. (*Id.* at 4.) While Textron has a service center in  
 27 Arizona, she also affirms that it did not service Plaintiffs' aircraft, notwithstanding that the  
 28 basis for Textron's liability relates to its design, manufacture, and sale of Plaintiffs'

1 aircraft, not its maintenance. (*See id.* at 5.) Without any supporting evidence, Plaintiffs’  
 2 argument that specific jurisdiction over Textron exists because it placed Cessna aircrafts  
 3 into the stream of commerce and conducts business world-wide does not show exercising  
 4 personal jurisdiction is appropriate. Even assuming these things are true, Textron’s mere  
 5 placing of Plaintiffs’ aircraft into the marketplace is not enough by itself to show this Court  
 6 has personal jurisdiction over it, *see Nicastro*, 564 U.S. at 882, and its universally  
 7 accessibly website declaring a world-wide enterprise focus does not do it either, *see*  
 8 *Holland*, 485 F.3d at 459. Because Textron’s virtually nonexistent ties to Arizona do not  
 9 show it purposefully availed itself here, the Court cannot exercise personal jurisdiction  
 10 over it.

### 11 **3. Kelly Aerospace Thermal Systems LLC**

12 The complaint alleges KATS designed, manufactured, and distributed the deicer  
 13 installed on Plaintiffs’ aircraft. (Compl. ¶¶ 26-29.) Without submitting any evidence in  
 14 support, Plaintiffs argue that KATS is subject to personal jurisdiction “anywhere in the  
 15 world, including Arizona,” because it sells deicers, including the one installed on Plaintiffs’  
 16 aircraft, and publishes service bulletins online. (Doc. 55 at 6.) KATS disagrees, arguing  
 17 that Plaintiffs have not pointed to any of its conduct implicating Arizona and that their  
 18 “stream of commerce” theory is legally unsupported. (Doc. 51 at 5-6.) The Court agrees  
 19 with KATS.

20 Despite Plaintiffs’ barebones claim that personal jurisdiction exists, KATS’  
 21 uncontroverted facts show it did not purposefully avail itself in Arizona for purposes of  
 22 Plaintiffs’ claims. Kent Kelly, KATS’ chief executive officer, attests that the company has  
 23 not marketed or directed its products at Arizona, is unregistered with the Arizona  
 24 Corporation Commission, has no offices or employees in Arizona, does not own or lease  
 25 any Arizona property, has no bank accounts in Arizona, does not send employees here on  
 26 a regular basis, and has no Arizona distributors.<sup>6</sup> (Doc. 51-1 at 3-4.) These things  
 27 satisfactorily defeat an empty allegation that jurisdiction exists. (*See* Compl. ¶ 1.)

28 <sup>6</sup> Mr. Kelly also attests that the deicing system on Plaintiffs’ aircraft was installed in Oregon  
 by RDD Enterprises. (Doc. 51-1 at 4.)

Furthermore, just selling a deicer that happened to be installed in Plaintiffs' aircraft in Oregon, without any intentional aiming at Arizona, does not subject KATS to personal jurisdiction here. *See Holland*, 485 F.3d at 459. Such a finding would moot the personal jurisdiction inquiry entirely. Nor does generally publishing service bulletins over the internet concerning the deicer show KATS is sufficiently connected to Arizona. Rather, such an approach improperly focuses on where the service bulletin is read, not the forum where it was directed. *See Burger King*, 471 U.S. at 475. Accordingly, KATS will also be dismissed for lack of personal jurisdiction.

#### 4. Continental Motors Inc.

Plaintiffs argue that exercising personal jurisdiction over CMI is appropriate because it: (1) issued Critical Service Bulletin in CSB15-2C which later became an Airworthiness Directive issued by the FAA; (2) lists four "official" repair and installation shops in Arizona on its website; and (3) targeted its advertising to Arizona residents.<sup>7</sup> (Doc. 29 at 3-4, 6-12.) Plaintiffs do not attach any evidence or point to no allegations supporting the latter two assertions, meanwhile, CMI attached a declaration by its director of certification and airworthiness, Michael Ward. (*See* Doc. 10-1 at 3-4.) Mr. Ward's declaration states that CMI did not create or direct its marketing strategy for the subject engine to be sold in Arizona or to its residents, is not authorized to do business here, has no offices in Arizona, and does not own or lease any Arizona property. (*Id.*)

Plaintiffs' first assertion that personal jurisdiction exists over CMI in Arizona because it issued a service bulletin that created a duty to perform necessary maintenance is unpersuasive. If this argument were valid, then CMI's service bulletin would subject it to suit in every state regardless of any other ties. There must be something more substantial and direct tethering CMI to Arizona beyond this to show it is subject to personal jurisdiction here. *See Burger King*, 471 U.S. at 475-76. Plaintiffs' second assertion, that

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<sup>7</sup> Plaintiffs also unpersuasively argue, as they did in claiming the Court has personal jurisdiction over KATS, that personal jurisdiction exists because "CMI purposefully sells its engines into the stream of commerce knowing that [they] may go anywhere in the world, including Arizona." (Doc. 29 at 6.) As explained above regarding the same argument made as to KATS, this also insufficiently shows the Court has personal jurisdiction over CMI.

1 CMI's website describing its Arizona shops creates personal jurisdiction, is also  
 2 unappealing. *See Holland*, 485 U.S. at 460. Just because CMI operates a universally  
 3 accessible website where anyone can access information about its service centers does not  
 4 show it purposefully availed itself here. *See Quantum Leasing, LLC v. Robinson Helicopter*  
 5 *Co., Inc.*, No. 2:15-CV-1005-HRH, 2016 WL 192145, at \*5 (D. Ariz. Jan. 15, 2016)  
 6 (finding non-resident company's website and operation and maintenance manual provided  
 7 with helicopter purchase insufficient to establish specific jurisdiction). Plaintiffs' final  
 8 assertion that CMI directed its advertising at this forum is factually unsupported, and CMI  
 9 has explicitly presented evidence that it does not target Arizona.

10 Accordingly, Plaintiffs' bare assertions that this Court has personal jurisdiction over  
 11 CMI fail when considering contradictory evidence in the record that persuasively shows  
 12 that exercising personal jurisdiction over CMI would be improper.

#### 13 **IV. JURISDICTIONAL DISCOVERY**

14 Plaintiffs alternatively request limited jurisdictional discovery as to each Defendant  
 15 if the Court finds personal jurisdiction lacking. (Doc. 29 at 12; Doc. 44 at 7; Doc. 34 at 6;  
 16 Doc. 55 at 7-8.) Defendants oppose the requests. (Doc. 38 at 8-9; Doc. 42 at 4-5; Doc. 54  
 17 at 10-11; Doc. 57 at 5-6.) They will be denied.

18 A trial court has broad discretion as to whether to permit limited jurisdictional  
 19 discovery. *Data Disk*, 557 F.2d at 1285 n.1 (citing *Wells Fargo & Co. v. Wells Fargo*  
 20 *Express Co.*, 556 F.2d 406, 430 n.24 (9th Cir. 1977)). While "[d]iscovery should ordinarily  
 21 be granted where pertinent facts bearing on the question of jurisdiction are controverted or  
 22 where a more satisfactory showing of the facts is necessary," *Butcher's Union Local No.*  
 23 *498 v. SDC Inv., Inc.*, 788 F.2d 535, 540 (9th Cir. 1986) (citations and internal quotations  
 24 omitted), "[w]here a plaintiff's claim of personal jurisdiction appears to be both attenuated  
 25 and based on bare allegations in the face of specific denials made by the defendant[], the  
 26 Court need not permit even limited discovery," *Pebble Beach*, 453 F.3d at 1160 (quoting  
 27 *Terracom v. Valley Nat'l Bank*, 49 F.3d 555, 562 (9th Cir. 1995)). A court also need not  
 28 permit "[a plaintiff's] request for discovery . . . based on little more than a hunch that it

1 might yield jurisdictionally relevant facts.” *Boschetto v. Hansing*, 539 F.3d 1011, 1020 (9th  
2 Cir. 2008).

3 Here, the Court finds limited jurisdictional discovery unwarranted because  
4 Defendants have already specifically rebutted Plaintiffs’ unsupported jurisdictional  
5 allegations and arguments. *Pebble Beach*, 453 F.3d at 1160. Despite this, Plaintiffs request  
6 permission to conduct discovery as to each Defendant without providing any affidavit or  
7 evidence substantiating their requests or describing with any precision how such discovery  
8 would be helpful to the Court. Accordingly, Plaintiffs’ speculative requests, akin to  
9 hunches that personal jurisdiction might exist, do not warrant even limited jurisdictional  
10 discovery. *Boschetto*, 539 F.3d at 1020.

#### 11 V. CONCLUSION

12 Plaintiffs have not shown that any of the moving Defendants are meaningfully  
13 connected to Arizona in such a way that renders them subject to this Court’s exercise of  
14 personal jurisdiction. Absent Plaintiffs’ prima facie showing that each Defendant  
15 possessed the requisite minimum contacts with Arizona or that each’s alleged unlawful  
16 conduct arose out of or was related to those contacts, this Court cannot exercise personal  
17 jurisdiction over any of them.

18 Accordingly,

19  
20 **IT IS ORDERED GRANTING** Defendants’ Motions to Dismiss, (Docs. 10, 15,  
21 19, 51). Continental Motors Inc., Leading Edge Aviation Inc., Kelly Aerospace Thermal  
22 Systems LLC, Textron Aviation Inc., and Cessna Aircraft Co. are **DISMISSED**.

23  
24 Dated this 2nd day of June, 2020.

25  
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27   
28 Honorable Susan M. Brnovich  
United States District Judge